

Message Text

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INFO OCT-01 AF-10 ARA-10 EUR-12 EA-07 NEA-10 ISO-00
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NSAE-00 IGA-02 COME-00 DODE-00 /117 R

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IO - MR. FRANK
EB/IFD - MR. MEISNER
TREASURY - MR. MUNK

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R 180020Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY KABUL
AMEMBASSY ALGIERS
AMEMBASSY BUENOS AIRES
AMEMBASSY VIENNA
AMEMBASSY DACCA
AMEMBASSY LA PAZ
AMEMBASSY BRASILIA
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AMEMBASSY TAIPEI
AMEMBASSY BOGOTA
AMEMBASSY PRAGUE
AMEMBASSY COPENHAGEN
AMEMBASSY QUITO
AMEMBASSY ADDIS ABABA
AMEMBASSY PARIS
AMEMBASSY LIBREVILLE
AMEMBASSY BONN
AMEMBASSY ATHENS
AMEMBASSY TEHRAN
USINT BAGHDAD
AMEMBASSY ROME
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AMEMBASSY KINGSTON
AMEMBASSY TOKYO
AMEMBASSY NAIROBI
AMEMBASSY KUALA LUMPUR
AMEMBASSY NOUAKCHOTT
AMEMBASSY MEXICO
AMEMBASSY THE HAGUE

AMEMBASSY WELLINGTON
AMEMBASSY LAGOS
AMEMBASSY OSLO
AMEMBASSY ISLAMABAD
AMEMBASSY LIMA
AMEMBASSY MANILA
AMEMBASSY WARSAW
AMEMBASSY LISBON
AMEMBASSY KIGALI
AMEMBASSY MOGADISCIO
AMEMBASSY KHARTOUM
AMEMBASSY DAMASCUS
AMEMBASSY LOME
AMEMBASSY TUNIS
AMEMBASSY MOSCOW
AMEMBASSY LONDON
AMEMBASSY OUAGADOUGOU
AMEMBASSY CARACAS
AMEMBASSY SANA
AMEMBASSY BELGRADE
AMEMBASSY KINSHASA
AMEMBASSY FREETOWN
INFO ALL DIPLOMATIC POSTS

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E.O. 11652: N/A

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TAGS: EGEN, EINV, UN, ECOSOC

SUBJECT: ECOSOC INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS

1. THIS MESSAGE PROVIDES TEXT OF DRAFT RESOLUTION U.S.
WILL PROPOSE FOR ADOPTION BY ECOSOC ON ILLICIT PAYMENTS.
YOU WILL RECEIVE INSTRUCTIONS AND TALKING POINTS BY SEPTTEL.

QUOTE. RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL
COUNCIL.

(TITLE):
CORRUPT PRACTICES, PARTICULARLY ILLICIT PAYMENTS, IN
INTERNATIONAL COMMERCIAL TRANSACTIONS.

THE ECONOMIC AND SOCIAL COUNCIL, RECALLING GENERAL ASSEMBLY
RESOLUTION 3514 (XXX) OF 15 DECEMBER 1975, WHICH INTER ALIA,
CONDEMNED ALL CORRUPT PRACTICES, INCLUDING BRIBERY, BY
TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES
AND OTHERS INVOLVED, IN VIOLATION OF THE LAWS AND REGULA-

TIONS OF THE HOST COUNTRIES, AND CALLED UPON ALL GOVERNMENTS TO TAKE MEASURES TO PREVENT SUCH CORRUPT PRACTICES, TO EXCHANGE INFORMATION, TO COOPERATE WITH GOVERNMENTS OF THE HOST COUNTRIES TO PREVENT SUCH CORRUPT PRACTICES AND TO PROSECUTE WITHIN THEIR NATIONAL JURISDICTION THOSE WHO ENGAGE IN SUCH ACTS;

RECALLING RESOLUTION 2041 OF THE COUNCIL, WHICH ESTABLISHED AN AD HOC INTERGOVERNMENTAL WORKING GROUP TO CONDUCT AN EXAMINATION OF THE PROBLEM OF CORRUPT PRACTICES, IN PARTICULAR BRIBERY, IN INTERNATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED, TO ELABORATE IN DETAIL THE SCOPE AND CONTENTS OF AN INTERNATIONAL AGREEMENT TO PREVENT AND ELIMINATE ILLICIT PAYMENTS, IN WHATEVER FORM, IN CONNECTION WITH INTERNATIONAL COMMERCIAL TRANSACTIONS AS DEFINED BY THE WORKING GROUP, AND TO LIMITED OFFICIAL USE

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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SIXTY-THIRD SESSION, INCLUDING IN ITS REPORT SUCH OTHER RELEVANT PROPOSALS AND OPTIONS AS IT MAY DECIDE TO SUBMIT, IN A FORM THAT WOULD ENABLE THE COUNCIL, IF IT SO DECIDED TO TRANSMIT ITS CONCRETE RECOMMENDATION OR RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR FINAL ACTION;

NOTING THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP HAS EXAMINED THE PROBLEM OF CORRUPT PRACTICES, IN PARTICULAR BRIBERY, AND HAS PRESENTED A REPORT TO THE COUNCIL WHICH INCLUDED A NUMBER OF TEXTS THAT COULD BE INCLUDED IN AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS AND A RECOMMENDATION THAT SUCH AN AGREEMENT BE CONCLUDED IN 1978;

CONSIDERING THAT CORRUPT PRACTICES, IN PARTICULAR BRIBERY, IN INTERNATIONAL COMMERCIAL TRANSACTIONS ERODE THE MORAL FABRIC OF POLITICAL AND ECONOMIC INSTITUTIONS, DISTORT AND HINDER DEVELOPMENT, AND ENCUMBER RELATIONS AMONG GOVERNMENTS;

RECOGNIZING THAT ILLICIT PAYMENTS TAKE MANY FORMS, INCLUDING THE OFFER, DEMAND, PAYMENT AND RECEIPT OF BRIBES AND INVOLVE BOTH DIRECT PAYMENTS AND INDIRECT PAYMENTS THROUGH EXCESSIVE FEES AND COMMISSIONS TO INTERMEDIARIES;

(1) RECOMMENDS (A) THAT TRANSNATIONAL AND OTHER CORPORATIONS ENGAGED IN INTERNATIONAL COMMERCIAL TRANSACTIONS ADOPT INTERNAL CODES OF BEHAVIOR WITH RESPECT TO CORRUPT PRACTICES, IN PARTICULAR BRIBERY, AND TAKE

APPROPRIATE ACTIONS AGAINST OFFICERS AND EMPLOYEES WHO
VIOLATE SUCH CODES;

(B) THAT GOVERNMENTS STRENGTHEN NATIONAL LAWS AND LAW
ENFORCEMENT MECHANISMS IN ORDER TO PREVENT AND ELIMINATE
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CORRUPT PRACTICES, IN PARTICULAR BRIBERY, IN INTERNATIONAL
COMMERCIAL COMMERCIAL TRANSACTIONS;

(2) DECIDES (A) TO CONVENE A DIPLOMATIC CONFERENCE IN JUNE
1978 TO CONCLUDE AN INTERNATIONAL AGREEMENT ON ILLICIT
PAYMENTS IN INTERNATIONAL COMMERCIAL TRANSACTIONS BY
TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES
AND OTHERS INVOLVED;

(B) TO INSTRUCT THE AD HOC INTERGOVERNMENTAL WORKING GROUP
TO PREPARE, FOR SUBMISSION TO THAT CONFERENCE, A DRAFT
INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS IN INTERNATIONAL
COMMERCIAL TRANSACTIONS AS DEFINED BY THE
WORKING GROUP,
BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTER-
MEDIARIES AND OTHERS INVOLVED, AND TO CONTINUE ITS
EXAMINATION OF OTHER CORRUPT PRACTICES;

(C) TO REQUEST APPROVAL BY THE GENERAL ASSEMBLY OF THE
EXPENDITURE OF FUNDS NECESSARY FOR SUCH DIPLOMATIC
CONFERENCE;

(D) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL
HENCEFORTH BE COMPOSED OF ALL MEMBER GOVERNMENTS WISHING
TO PARTICIPATE;

(E) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL
MEET AS NECESSARY FROM SEPTEMBER 1977 TO MAY 1978 TO
COMPLETE ITS TASK;

(3) REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT
BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE
GIVEN THE HIGHEST PRIORITY AND THAT THE CONCLUSION OF AN
INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS SHOULD IN NO
WAY INTERFERE WITH OR DELAY THAT PRIORITY. UNQUOTE. VANCE

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